

UNITED STATES DISTRICT COURT
for the
Southern District of Ohio

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)

)
)
)

Case No. 2:23-mj-612

The content of associated files for Cybertipline report
174146220 and 174189262 which are located at the National
Center for Missing and Exploited Children (NCMEC), and
were provided to NCMEC by X Corp (formerly Twitter)

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, incorporated herein by reference

located in the Eastern District of Virginia, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, incorporated herein by reference

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

18 U.S.C. §§ 2252 and 2252A Distribution, Receipt, and/or Possession of visual depictions of a minor engaged in sexually explicit conduct and/or child pornography.

The application is based on these facts:

See attached affidavit incorporated herein by reference.

- Continued on the attached sheet.
- Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

FBI SA Andrew McCabe

Printed name and title

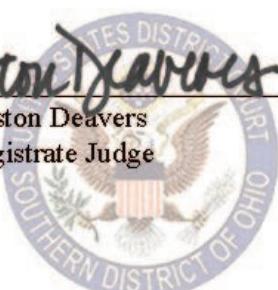
Sworn to before me and signed in my presence.

Via FaceTime

Date: November 3, 2023

City and state: Columbus, Ohio



Elizabeth A. Preston Deavers
United States Magistrate Judge


**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In the Matter of the Search of:) Case No: 2:23-mj-612
The content of associated files of Cybertipline report)
174146220 and Cybertipline report 174189262,) Magistrate Judge:
which are located at the National Center for Missing)
and Exploited Children (NCMEC), and were)
provided to NCMEC by X Corp (formerly Twitter)) UNDER SEAL

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Andrew D. McCabe (Your Affiant), a Special Agent with the Federal Bureau of Investigation (FBI), being duly sworn, hereby depose and state:

I. EDUCATION TRAINING AND EXPERIENCE

- 1) I am a Special Agent with the FBI assigned to the Cincinnati Division, Cambridge Resident Agency and I have been a Special Agent since September 2010. During my tenure as an FBI Special Agent, I have investigated numerous crimes including, but not limited to, bank robbery, drug trafficking, racketeering, kidnapping, violent extremism, and crimes against children. As a special agent I have received specialized training in the recovery and forensic examination of digital evidence.
 - 2) While performing my duties as a Special Agent, I have participated in various investigations involving computer-related offenses and have executed search warrants, including those involving searches and seizures of computers, digital media, software, and electronically stored information. As part of my duties as a Special Agent, I investigate various criminal child exploitation offenses, including those in violation of 18 U.S.C. §§ 2251, 2252, and 2252A.
 - 3) As a SA with the FBI, I am authorized to investigate violations of the laws of the United States and to execute warrants issued under the authority of the United States.

II. PURPOSE OF THE AFFIDAVIT

- 4) This affidavit is submitted in support of an application for a search warrant for the files submitted in connection with CyberTipline Report 174146220 and 174189262 (more fully described in **Attachment A** and referred to collectively as the **CyberTipline Reports**), and the data located therein that were forwarded to the National Center for Missing and Exploited Children (NCMEC) by X Corp (formerly Twitter). There is probable cause to believe that the items located in the **CyberTipline Reports** in **Attachment A** are items described in **Attachment B**, being evidence, fruits, and instrumentalities of violations of 18 U.S.C. §§ 2252 and 2252A – the distribution/receipt/possession of visual depictions of minors engaged in sexually explicit conduct (hereinafter “child pornography”).
- 5) The facts and statements set forth in this affidavit are based on my knowledge, experience, and investigation, as well as the knowledge, experience, and investigative findings of others with whom I have had communications about this investigation, including other law enforcement officers and agents. Since this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts I believe are necessary to establish probable cause that items as outlined in **Attachment B** are located within the **CyberTipline Reports**. I have not omitted any facts that would negate probable cause.
- 6) The court has jurisdiction to issue the proposed warrant because it is a “court of competent jurisdiction” as defined in 18 U.S.C. § 2711. Specifically, the Court is a district court of the United States that has jurisdiction over the offense being investigated, see 18 U.S.C. § 2711(3)(A)(i).

III. APPLICABLE STATUTES AND DEFINITIONS

- 7) Title 18, United States Code, Section 2252, makes it a federal crime for any person to knowingly transport, receive, distribute, possess or access with intent to view any visual depiction of a minor engaging in sexually explicit conduct, if such receipt, distribution or possession utilized a means or facility of interstate commerce, or if such visual depiction has been mailed, shipped or transported in or affecting interstate or foreign commerce. This

section also prohibits reproduction for distribution of any visual depiction of a minor engaging in sexually explicit conduct, if such reproduction utilizes any means or facility of interstate or foreign commerce or is in or affecting interstate commerce.

- 8) Title 18, United States Code, Section 2252A, makes it a federal crime for any person to knowingly receive or distribute any child pornography using any means or facility of interstate commerce, or any child pornography that has been mailed, or any child pornography that has shipped or transported in or affecting interstate or foreign commerce by any means, including by computer. This section also makes it a federal crime to possess or access with intent to view any material that contains an image of child pornography that has been mailed, shipped or transported using any means or facility of interstate or foreign commerce, or in or affecting interstate commerce by any means, including by computer.
- 9) As it is used in 18 U.S.C. §§ 2252, the term “sexually explicit conduct” is defined in 18 U.S.C. § 2256(2)(A) as actual or simulated: sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; bestiality; masturbation; sadistic or masochistic abuse; or lascivious exhibition of the genitals or pubic area of any person.
- 10) As it is used in 18 U.S.C. § 2252A(a)(2), the term “child pornography”¹ is defined in 18 U.S.C. § 2256(8) as: any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where: (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; (B) such visual depiction is a digital image, computer image, or computer generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.
- 11) The term “sexually explicit conduct” has the same meaning in § 2252A as in § 2252, except that for the definition of child pornography contained in § 2256(8)(B), “sexually explicit conduct” also has the meaning contained in § 2256(2)(B): (a) graphic sexual

¹ The term child pornography is used throughout this affidavit. All references to this term in this affidavit and all Attachments hereto include both visual depictions of minors engaged in sexually explicit conduct as referenced in 18 U.S.C. § 2252 and child pornography as defined in 18 U.S.C. § 2256(8).

intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex, or lascivious simulated sexual intercourse where the genitals, breast, or pubic area of any person is exhibited; (b) graphic or lascivious simulated (i) bestiality, (ii) masturbation, or (iii) sadistic or masochistic abuse; or (c) graphic or simulated lascivious exhibition of the genitals or pubic area of any person.

- 12) The term “minor”, as used herein, is defined pursuant to Title 18, U.S.C. § 2256(1) as “any person under the age of eighteen years.”
- 13) The term “graphic,” as used in the definition of sexually explicit conduct contained in 18 U.S.C. § 2256(2)(B), is defined pursuant to 18 U.S.C. § 2256(10) to mean “that a viewer can observe any part of the genitals or pubic area of any depicted person or animal during any part of the time that the sexually explicit conduct is being depicted.”
- 14) The term “visual depiction,” as used herein, is defined pursuant to Title 18 U.S.C. § 2256(5) to “include undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image.”

VII. CYBERTIPLINE REPORTS

- 15) The National Center for Missing and Exploited Children (“NCMEC”) is an organization that, among other things, tracks missing and exploited children and serves as a repository for information about child pornography. Federal law requires NCMEC to operate the CyberTipline and requires Electronic Service Providers to report apparent instances of child pornography offenses. Providers also have the discretion to submit reports concerning planned or imminent child pornography offenses. Companies that suspect child pornography has been stored or transmitted on their systems report that information to NCMEC in a CyberTipline Report (or “CyberTip”). The Electronic Service Provider submits the report and uploads content to NCMEC via a secure connection. Aside from required information such as incident type, date, and time, reporters can also fill in voluntary reporting fields such as user or account information, IP addresses, or information regarding the uploaded content itself, as well as other information it may have collected in connection with the suspected criminal activity. The Electronic Service Provider may or may not independently view the content of the file(s) it uploads. Using publicly available search tools, NCMEC then attempts

to locate where the activity occurred based on the information the Electronic Service Provider submits, such as IP addresses. NCMEC then packages the information from the Electronic Service Provider along with any additional information it has, such as previous related CyberTips, and sends it to law enforcement in the jurisdiction where the activity is believed to have occurred.

VIII. INVESTIGATION AND PROBABLE CAUSE

- 16) On or about September 15, 2023 and September 16, 2023, the Electronic Service Provider (ESP) Twitter, now known as X Corp, submitted two CyberTipline Reports, specifically report 174189262 and 174146220, to the National Center for Missing and Exploited Children (NCMEC). As reported by the ESP, the incident type was Child Pornography (possession, manufacture, and distribution) and the incident times were listed as September 17, 2022, 01:03:20 UTC, and January 7, 2023, 02:50:18 UTC respectively.
- 17) The ESP also uploaded file(s) in connection with the report. Two files were uploaded under CyberTipline Report 174146220, one of which was reviewed by both the ESP and NCMEC. Two files were uploaded under CyberTipline Report 174189262, one of which was reviewed by the ESP and NCMEC.
- 18) The ESP reported the following additional information for CyberTipline Report 174146220:
 - Twitter profile URL <https://twitter.com/Nomad27122244>
 - Screen/Username: Nomad27122244
 - Telephone Number: +18082983650
 - IP Address: 72.234.30.105 (Registration), 01-07-2023 02:50:18 UTC
 - User Provided account Full Name: Nomad
 - File 1 Name: kRwWjJvq.jpg
 - File 2 Name: Nomad27122244-1611555753827110917-2023-09-15-19-26-21-61215165.zip
- 19) The ESP reported the following additional information for CyberTipline Report 174189262:
 - Twitter profile image: https://ipbs.twimg.com/profile_images/1576976164455059456/b_30yP1A.jpg
 - Screen/Username: Stevo77976660
 - Telephone Number: +18082983650
 - IP Address: 72.234.30.105 (Registration), 09-17-2022 01:03:20 UTC
 - User Provided account Full Name: Stevo

- File 1 Name: b_30yP1A.jpg
- File 2 Name: Stevo77976660-1570941379752390659-2023-09-15-19-26-17-61215164.zip

- 20) Prior to the NCMEC CyberTipline reports coming to the attention of your Affiant, on or about August 29, 2023, the St. Clairsville, Ohio Police Department (SCPD) received a call from WITNESS ONE, the family member of a 12-year-old minor male (herein after referred to as Minor Victim). WITNESS ONE reported on August 28 2023, he heard a disturbance in Minor Victim's room and when WITNESS ONE went to see what was going on, he discovered Minor Victim in his room dressed only in underwear and holding his cellular phone. WITNESS ONE took the phone and observed Minor Victim had sent text messages and sexually explicit images to what appeared to be two adult males.
- 21) On or about August 29, 2023, SCPD obtained consent to search the cell phone belonging to Minor Victim and conducted a physical review of that phone which was a Motorola One 5G UV Ace cellular phone telephone used by Minor Victim. During their review of the extraction, SCPD determined Minor Victim had sent sexually explicit messages and images to two telephone numbers including telephone number (808)298-3650. Telephone number (808)298-3650 was saved in Minor Victim contacts as “NOAH”.
- 22) On or about August 30, 2023, SCPD requested assistance from the Cincinnati FBI Cambridge Resident. At that time, your affiant received copies of the SCPD investigative reports and took custody of the Motorola cellular phone and transported it to the Cambridge Resident Agency.
- 23) On August 31, 2023, your affiant transported the Motorola to the Cincinnati FBI, Columbus Resident Agency where he conducted a forensic extraction of the device.
- 24) On or about September 1, 2023, Minor Victim was forensically interviewed at a Child Advocacy Center in St. Clairsville, OH. The interview was audio and visually recorded and was monitored by your affiant. During the interview, Minor Victim disclosed he had “inappropriate” conversations with an individual known to him as “NOAH”. Minor Victim met “NOAH” while playing the game Call of Duty on his cellular phone. Minor Victim first started communicating through the direct message feature of the game but then transitioned to text messages. Minor Victim admitted to having conversations of a sexual nature with “NOAH” and to sending him nude images at “NOAH’S” request.

- 25) On September 11, 2023, your affiant completed a review of the forensic extraction of the Minor Victim's cell phone. During the review the writer observed Minor Victim had sent images and videos which were reasonably believed to be child sexual abuse material to SnapChat username "maverick41306" and to telephone number (808) 298-3650.
- 26) Between on or about July 1, 2023 and August 11, 2023, Minor Victim exchanged approximately 18 messages with SnapChat User "maverick41306".
- 27) On or about July 1, 2023, Minor Victim used SnapChat to send "Maverick41306" a video which was approximately 13 seconds in length. In the video, a prepubescent white male wearing blue pants, with a white snowflake pattern and blue underwear masturbates his nude penis. Further images were recovered, one of which depicted the nude buttocks and penis of a white male and another which depicted Minor Victim naked lying under a grey blanket and digitally penetrating his anus. Minor Victim's face and nude penis were visible in the second image. In response, "Maverick 41306" sent Minor Victim a message which read, "I came." A short time later, Minor Victim sent "Maverick 41306" an approximately nine second video during which a prepubescent white male wearing blue pants is shown masturbating his nude penis.
- 28) On or about July 2, 2023, Minor Victim used SnapChat to send "Maverick 41306" an image which depicted a naked prepubescent white male lying on a bed holding his erect nude penis and an approximately 10 second video which showed the nude erect penis of a prepubescent white male. An additional approximately 30 second video was also sent which depicted which depicts Minor Victim bent over to display his anus as he repeated digitally penetrated his anus.
- 29) Between on or baout August 6, 2023, and August 27, 2023, approximately 407 text messages were sent between Minor Victim. and "**NOAH**". Minor Victim had saved telephone number (808)298-3650 in his contacts as "**NOAH**".
- 30) The following is an excerpt of a conversation which occurred between **NOAH** and Minor Victim on or about August 9, 2023:

NOAH: Are you alone rn [right now]...
Minor Victim: No
NOAH: Damn
Minor Victim: But I can go somewhere I'm a lot [alone]
NOAH: Bet can I get a vid or you jerking
Minor Victim: Yes daddy C: But I'm not hard

NOAH: Lol
Minor Victim: Sorry :(
NOAH: Wish I was there to lick just the tip and tease you with my tongue.
Minor Victim: I would like that and I'm hard now
NOAH: Bet

Minor Victim then sent **NOAH** an approximately 15 second video during which a prepubescent white male is shown masturbating his erect penis.

31) A short time later on August 9, 2023, your affiant noted the following continued exchange:

NOAH: Lol your cock it so cute babe.
Minor Victim: Thx
NOAH: Can I see it again? Maybe a few pics plz.

NOAH sent Minor Victim an image depicting a pubescent male exposing his penis by pulling up the leg of his blue shorts. A steel cart with wheels is visible in the background. After sending the image the conversation continued

NOAH: Do you like mine?
Minor Victim: Yes and turned me on I'm getting harder by the second. How many pics do you want daddy
NOAH: 3 pleaseeeee
Minor Victim: I made 5 but three it is
NOAH: Wait lol
Minor Victim: Ok
NOAH: Gimme five then baaaabbeeeee. Prettttyyyyy pleeeeeaaaaass
Minor Victim: Ok. Daddy gets what he wants
NOAH: Yaaayy
Minor Victim: I miscounted it was 4 sorry but here

Minor Victim sent **NOAH** another image depicting a naked prepubescent white male holding his penis. The male appears to be under a grey sheet with a geometric pattern. In addition, Minor Victim sent additional images depicting a naked prepubescent white male holding his penis. The male appears to be under a grey sheet with a geometric pattern. A brown object with a leather-like appearance is visible under Minor Victim's leg. In another image, a naked prepubescent white male is depicted holding his penis. The male appears to be under a grey sheet with a geometric pattern. A brown object with a leather-like appearance is visible under Minor Victim's leg. In the last image, a naked prepubescent white male is depicted holding his penis in a manner to display the glans. The male

appears to be under a grey sheet with a geometric pattern. After sending the images the conversation continued.

Minor Victim: Here
NOAH: Its alrighty babe
Minor Victim: The lasr one was the tip
NOAH: Omg. Wish my tongue was wrapped around it.
Minor Victim: And I wish my longue was wrapped around yours

NOAH sent Minor Victim an approximately 30 second video which showed a pubescent adult male wearing blue shorts and a green shirt. During the video the male appears to be rubbing his penis through his shorts. The adult male then exposes his penis through the leg of his pants and masturbates it. A metal caret is visible in the background of the video.

32) The following is an excerpt of a conversation which occurred between **NOAH** and L.S. on August 15, 2023.

NOAH: Wanna see something?
Minor Victim: Ya

NOAH sent Minor Victim an approximately 22 second video depicting a pubescent white male masturbating his penis. After sending the image the conversation continued:

Minor Victim: I wish I was there to suck it.
NOAH: Show me urs and moan too plz? <Smiling emoji>
Minor Victim: Hold on
NOAH: Lol
Minor Victim: Btw ru at school?
NOAH: Nope.
Minor Victim: Because it looks like you're in a stall
NOAH: I'm moving to Tennessee so not rn [right now]
Minor Victim: Oh
NOAH: I'm in a house lol
Minor Victim: Oh
NOAH: After I see your juicy cock can I see you finger your ass and moan?
Minor Victim: Ok

Minor Victim sent **NOAH** an approximately 11 second video showing a white male sitting on what appears to be a toilet masturbating his nude penis. The white male's blue

underwear are pulled down to his ankles. After sending the image the conversation continued:

NOAH: Godamn im so hard baby
Minor Victim: And here daddy

Minor Victim then sent **NOAH** an approximately a 17 second video showing a white male digitally penetrating his anus.

- 33) On or about September 7, 2023, in response to a legal process, T-Mobile identified the subscriber of telephone number (808) 298-3650 as LUIS GONZALES, with a last known address of 985 WIGWAM PKWY UNIT 7105, HENDERSON, NV 89014.
- 34) On or about September 7, 2023, open-source data checks for telephone number (808) 298-3650 showed the number was associated to an “X” account as well as SnapChat username “maverick41306”.
- 35) On or about September 13, 2023, in response to legal process, “X” provided the following information regarding SnapChat username “maverick41306”:

Display name: Maverick
Historic Display name: Noah Gonzales
Phone Number: 1-808-298-3650
Last Active: September 4, 2023

- 36) On or about September 12, 2023, in response to legal process, Apple provided the following information regarding telephone number (808) 298-3650:

Apple ID: maverick041306@yahoo.com
Name: Noah Gonzales
Address: 985 Wigwam Pkwy, #7105, Henderson , Nevada
Day time phone number: 1-9095658396
Facetime/iMessage Phone: +18082983650
Additional Phones: 1 (702) 265-6988
Registration IP Address: 17.142.197.33

- 37) On or about September 15, 2023, in response to legal process, “X” identified the following accounts associated with telephone number (808) 298-3650:

Skrappy56442628, with a display name of “Skrappy” created on or about 5/2/20
Nomad27122244, with a display name of “Nomad” created on or about 1/1/23
Nomad67662703, with a display name of “Nomad” created on or about 4/10/23
Stevo77976660, with a display name of “Stevo” and created on or about 9/17/23

- 38) On October 3, 2023, in response to legal process, Yahoo Inc provided the following

information regarding the email account maverick041306@yahoo.com:

Full name: Noah Gonzales

Registration Date: July 15, 2018

Recovery Phone +1-925-852-7856

- 39) Based on my training and experience I know that based on the additional information the ESP provider gave, the uploaded content by the X profile of Gonzales most likely contains evidence of his child exploitation activities and images depicting minors engaged in sexually explicit conduct as outlined by the type of content Gonzales was requesting, receiving, distributing, and possessing throughout the course of the investigation into him.
- 40) Therefore, there is probable cause to believe that the content of the file(s) the ESP reported in connection with the submitted CyberTipline Reports noted above contain at least one image of previously identified child pornography. This is also based on the information above, including that your affiant has reason to believe that Gonzales is the owner of the X accounts, and the uploads likely contain images which may constitute contraband and evidence of criminal violations of 18 U.S.C. §§ 2252 and 2252A – the distribution/receipt/possession of visual depictions of minors engaged in sexually explicit conduct.

XI. CONCLUSION

- 41) Based on the investigation described above, probable cause exists to believe that inside the file that the ESP uploaded in connection with the above CyberTipline Report (described in Attachment A), will be found evidence, fruits, and instrumentalities of a violations 18 U.S.C. §§ 2252 and 2252A – the distribution/receipt/possession of visual depictions of minors (described in Attachment B).
- 42) Therefore, your affiant respectfully requests that the Court issue a search warrant authorizing the search of the locations identified in Attachment A for the items listed in Attachment B.

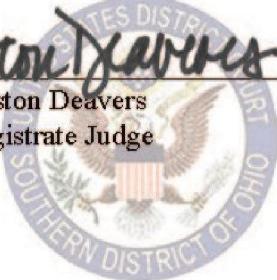
Respectfully submitted,



Andrew McCabe
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on November 3, 2023


Elizabeth A. Preston Deavers
United States Magistrate Judge



ATTACHMENT A
PROPERTY TO BE SEARCHED

Contents of files uploaded in connection with Cybelipline Reports 174146220 and 174189262 that are currently held by the National Center for Missing and Exploited Children (NCMEC) and located at 333 John Carlyle St Suite # 125, Alexandria, VA 22314. The files were forwarded to the NCMEC by X Corp (Twitter).

ATTACHMENT B
PROPERTY TO BE SEIZED

For the File(s) listed and described in Attachment A, the following items, that constitute evidence of the commission of, contraband, the fruits of crime, or instrumentalities of violations of 18 U.S.C. §§ 2252 and 2252A – the distribution/receipt/possession of visual depictions of minors engaged in sexually explicit conduct.

1. Images or visual depictions of child pornography.
2. Any and all information, notes, documents, records, or correspondence, in any format or medium, pertaining to child pornography or sexual activity with or sexual interest in minors.
3. Any and all information, documents, records, photos, videos, or correspondence, in any format or medium, pertaining to use or ownership of the File(s), or that aid in the identification of persons involved in violations of 18 U.S.C. §§ 2252 and 2252A – the distribution/receipt/possession of visual depictions of minors engaged in sexually explicit conduct